



NIXON PEABODY LLP
ATTORNEYS AT LAW

NIXONPEABODY.COM
@NIXONPEABODYLLP

Gina M. McCreadie

Partner

T 617-345-6189

gmccreadie@nixonpeabody.com

100 Summer Street
Boston, MA 02110-2131
617-345-1000

October 22, 2015

Honorable Judge Cathy Seibel
United States District Court Judge
U.S.D.C., Southern District of New York
300 Quarropas St
White Plains, NY 10601

**RE: The Wave Studio, LLC v. Amadeus North America, Inc., et al.
S.D.N.Y. Case No. 7:15-cv-06995**

Dear Judge Seibel:

On October 1, 2015, the undersigned counsel, on behalf of Defendant Cathay Pacific Airways LTD (“Cathay”), submitted a letter to the Court to request an extension to October 26, 2015 of the deadline for Cathay to answer or otherwise respond to Plaintiff’s Complaint. [Dkt. 42] On October 2, 2015, the Court granted Cathay’s request. This letter is submitted to request a further extension of the deadline for Cathay to answer or otherwise respond to Plaintiff’s Complaint. Counsel for Plaintiff, The Wave Studio, LLC, has stipulated to the requested extension.

By way of background, Plaintiff originally filed this action in the United States District Court for the Northern District of California (N. D. Cal. Case No. 15-cv-01364-RS). After Cathay was served with the Complaint on May 21, 2015, Plaintiff and Cathay stipulated to extend the time for Cathay to respond to the Complaint on four prior occasions to enable Cathay to evaluate the allegations in the Complaint and for the parties to continue their discussions concerning a possible stipulated transfer of the action to the Southern District of New York where other related proceedings are now pending. [Dkt. Nos. 18, 30, 34 and 38].

On September 1, 2015, the parties stipulated, and the district court ordered, that this matter be transferred to this Court. [Dkt. No. 40.] The case was transferred to this Court on September 4, 2015 [Dkt. No. 41], and on that date the case was referred to Your Honor as possibly related to the following case: *The Wave Studio v. General Hotel Management Ltd., et al.*, Civil Case No. 7:13-cv-09239-CS (the “*Wave Studio v. GHM matter*”), which is currently pending in this Court. We understand that as of September 9, 2015, after the instant matter was transferred to this Court, all of the other Wave Studio cases pending in this Court have been consolidated with *Wave Studio v. GHM matter*, and that this case has been stayed with respect to all defendants except for GHM. On October 8, 2015, the Court accepted the present case as

October 22, 2015
Page 2

NIXON PEABODY LLP
ATTORNEYS AT LAW

NIXONPEABODY.COM
@NIXONPEABODYLLP

related to *the GHM Litigation* pursuant to a Statement of Relatedness filed by Plaintiff on October 7, 2015 [Dkt. No. 49].

In view of the foregoing, the Defendants in the instant matter who have been served with the Complaint, including Cathay, Amadeus North America, Inc., and Priceline.com, asked counsel for Plaintiff if Plaintiff would stipulate to consolidate this matter with the *Wave Studio v. GHM matter*, and to stay the case with respect to such Defendants. Because of the upcoming deadline for Cathay to respond to the Complaint, and because counsel for Plaintiff was still evaluating Defendants' request, counsel for Plaintiff agreed to extend the deadline for Cathay to answer or otherwise respond to the Complaint to October 26, 2015 to enable the parties to continue their discussions.

Counsel for Plaintiff has since agreed to the Defendants' request. On October 16, 2015, counsel for Priceline.com sent counsel for Plaintiff a draft pre-motion letter to the Court with respect to consolidation of this matter with the *Wave Studio v. GHM matter*, and to stay the case with respect to such Defendants. Counsel for Plaintiff is still reviewing the draft pre-motion letter.

Because of the upcoming October 26, 2015 deadline for Cathay to respond to the Complaint, counsel for Plaintiff has agreed to further extend the deadline for Cathay to answer or otherwise respond to the Complaint as follows:

1. If the Court denies the Defendants' request to consolidate this matter with the *Wave Studio v. GHM matter*, or denies their request to stay the case with respect to such Defendants, then the time for Cathay to answer or otherwise respond to the Complaint is extended to 21 calendar days after the Court's order;
2. If the Court grants the Defendants' request to consolidate this matter with the *Wave Studio v. GHM matter*, and grants their request for a stay, then the time for Cathay to answer or otherwise respond to the Complaint is extended to 21 calendar days after the stay is lifted in the *Wave Studio v. GHM matter* as to Cathay.

We are grateful for the Court's consideration of this request.

/s/ Gina M. McCreadie
Gina M. McCreadie
of Nixon Peabody LLP